

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

LANCE CAIN
Defendant.

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CR. NO. 03-10037-T

MOTION TO CONTINUE SENTENCING

Comes now Defendant by and through appointed counsel and moves this Honorable Court to continue the sentencing presently set for Monday, May 23, 2005. In support of this motion Defendant would state:

1. Defendant is the sole defendant and waits sentencing following a plea. Defendant is incarcerated in West Tennessee Detention Facility in Mason, Tennessee.
2. Defense counsel received a copy of the pre sentence report on April 26, 2005. Counsel has provided a copy to Defendant and met with Defendant to review the report on April 28, 2005.
3. Based upon counsel's meeting with Defendant, counsel needs to obtain additional records concerning a conviction shown in the pre sentence report. The validity of such conviction would affect the criminal history category into which Defendant falls. Although such category may not impact the actual sentence in this case as there is a negotiated plea, criminal history points and categorization are considered by Bureau of Prisons when classifying an inmate and may have a detrimental impact on the terms and conditions of Defendant's custodial sentence.

As the records for this offense are from the Circuit Court of Milwaukee County, Wisconsin defense counsel is in need of additional time in which to obtain more information on such convictions.

MOTION GRANTED

DATE: 18 May 2005

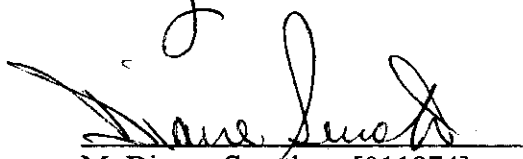
James D. Todd
James D. Todd
U.S. District Judge

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 05-19-05

4. Defense counsel has consulted with government counsel and there is no objection to the relief requested herein.

Premises considered, Defendant moves that the sentencing date be continued for the grounds set forth above. Defendant requests that the sentencing date be continued for approximately 30 days.

Respectfully submitted, this the 17 day of May, 2005.



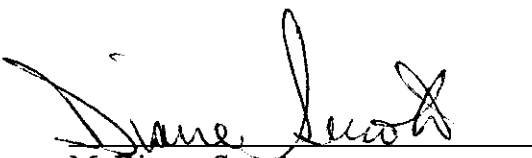
M. Dianne Smothers [011874]
Assistant Federal Defender
109 S. Highland Ave., Rm. B-8
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CERTIFICATE OF SERVICE

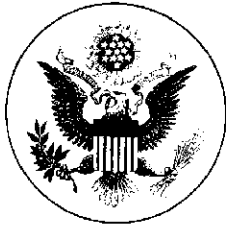
The undersigned hereby certifies that a true and exact copy of the foregoing was served upon all interested parties by hand delivery or by mailing same, postage prepaid to the following:

Mr. Jerry Kitchen
Assistant United States Attorney
109 South Highland, Suite 300
Jackson, Tennessee, 38301

This the 17 day of May, 2005.



M. Dianne Smothers
Assistant Federal Defender



Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 1:03-CR-10037 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT